

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | Bodo Gerold et al. | Confirmation No.: | 1514 |
| Appln. No.: | 10/596,797 | Group Art Unit: | 1796 |
| Filed: | April 26, 2007 | Examiner: | Michael F. Pepitone |
| Title: | RADIO-OPAQUE MARKER FOR MEDICAL IMPLANTS | Atty. Docket No.: | 149459-110071 |
| | | Customer No.: | 25207 |

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

Sir:

In response to the Office Action of April 15, 2009, please amend the application as follows:

Status is on page 2.

Summary of USPTO Fees begins on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments/Conclusion begin on page 8 of this paper.

STATUS OF APPLICATION

The above-captioned patent application is pending.

Claims 1-3, 5, 7-9, 11-18 and 20-22 are pending in the application.

Claims 1, 11-12 and 20 are objected to because of informalities.

Claims 1-3, 5, 7-9 and 16-18 are rejected under 35 USC 102(b) as being anticipated by Heath (U.S. Patent No. 5,725,570).

Claims 11 and 14 are rejected under 35 USC 102(b) as being anticipated by Heath (U.S. Patent No. 5,725,570).

Claim 12 is rejected under 35 USC 102(b) as being anticipated by Heath (U.S. Patent No. 5,725,570).

Claims 20-21 are rejected under 35 USC 102(b) as being anticipated by Heath (U.S. Patent No. 5,725,570).

Claims 11 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer-Lindenberg et al. (International Patent Publication No. WO 02/100452).

Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer-Lindenberg et al. (International Patent Publication No. WO 02/100452).

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer-Lindenberg et al. (International Patent Publication No. WO 02/100452).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer-Lindenberg et al. (International Patent Publication No. WO 02/100452) when taken with Gellman et al. (U.S. Patent Publication No. 2003/0199993).

SUMMARY OF USPTO FEES ENCLOSED HEREWITH

Extension of Time

Applicant hereby petitions for an extension of time of two (2) months up to and including September 15, 2009, to respond to the outstanding Office Action. The Commissioner of Patents is authorized to charge the appropriate fee of \$490 for a large entity to Deposit Account No. 50-4913.

It is believed these fees are correct; however, the Commissioner for Patents is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-4913.